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Assigned for All Purposes:
Judge Melissa R. McCormick
Dept. CX105

Attorneys for Plaintiffs, on behalf of herself and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

TAMMY ALLEN, on behalf of herself and
all others similarly situated,

Plaintiffs,

v.

MELROSE INDUSTRIES PLC, a foreign
public limited company; GKN AEROSPACE
TRANSPARENCY SYSTEMS INC., a
California Corporation; GKN AEROSPACE
SERVICES LIMITED, a foreign private
limited company; GKN LIMITED, a foreign
private limited company; and DOES 1-100,
inclusive,

Defendants.

CASE NO. 30-2026-01574009-CU-PO-CXC

CLASS ACTION:

- (1) Negligence
- (2) Strict Liability-Ultrahazardous Activity
- (3) Private Nuisance (Continuing)
- (4) Private Nuisance (Permanent)
- (5) Public Nuisance (Continuing)
- (6) Public Nuisance (Permanent)
- (7) Trespass

DEMAND FOR JURY TRIAL

1 Class Representative Plaintiff Tammy Allen ("Plaintiff"), by and through her attorneys,
2 individually and on behalf of others similarly situated, alleges upon information and belief against
3 Defendants Melrose Industries Plc, GKN Aerospace Transparency Systems Inc., GKN Aerospace
4 Services Limited, GKN Limited, and DOES 1-100 (collectively "Defendants") as follows:

5 **NATURE OF THE ACTION**

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7 1. This case represents an example of corporate entities placing production and
8 operational convenience over public safety. It arises from the hazardous chemical emergency that
9 began on May 21, 2026, at Defendants' GKN Aerospace manufacturing facility in Garden Grove,
10 California ("Facility"), where a 34,000-gallon chemical storage tank containing approximately
11 7,000 gallons of methyl methacrylate ("MMA") began overheating and off-gassing vapor. The
12 incident created an imminent threat of toxic chemical release, fire, and explosion, ultimately
13 resulting in mandatory evacuation orders affecting more than 50,000 residents across portions of
14 Orange County, including Plaintiff's neighborhood.

15 2. While the precise root cause of the incident remains under investigation, emergency
16 responders publicly warned that the overheating MMA tank could either rupture and spill hazardous
17 chemicals into the surrounding community or undergo thermal runaway and experience a boiling
18 liquid expanding vapor explosion ("BLEVE"), potentially releasing toxic vapor across a wide area.
19 Authorities further reported that response teams were unable to neutralize or drain the tank because
20 critical valves had become inoperable during the chemical reaction occurring inside the vessel.¹

21 3. Notably, the May 2026 chemical emergency did not arise in isolation. Public records
22 demonstrate that Defendants and/or the Facility had previously been cited for safety, maintenance,
23 operational, and environmental violations dating back years before the incident. These included
24 violations relating to equipment maintenance, cooling and covering of tanks, emissions
25 recordkeeping, operation of equipment without proper permits, and other hazardous operational

26
27 ¹ Deliso, Meredith; El-Bawab, Nadine; Lee, Jaclyn. "Authorities urgently try to stop
28 California chemical tank explosion; 50,000 under evacuation orders".
<https://abcnews.com/US/evacuation-orders-issued-california-city-chemical-tank-fails/story?id=133234846> (last accessed May 26, 2026).

1 deficiencies identified by OSHA, the California Department of Industrial Relations, and the South
2 Coast Air Quality Management District.²

3 4. Defendants exercised exclusive control over the Facility, including responsibility
4 for hazardous chemical storage operations, industrial safety systems, maintenance procedures,
5 regulatory compliance, emergency safeguards, and operational protocols involving methyl
6 methacrylate and other dangerous substances stored on-site.

7 5. Accordingly, Defendants' culpability in this hazardous-materials emergency could
8 not be clearer. Despite years of prior safety warnings, inspections, citations, fines, and known risks
9 associated with MMA storage and thermal runaway reactions, Defendants failed to exercise the
10 reasonable care and diligence necessary to safely maintain and operate the Facility and prevent
11 foreseeable catastrophic consequences to surrounding residents and businesses.

12 **PARTIES**

13 6. Plaintiff Tammy Allen is, and at all relevant times was, a resident of Orange County,
14 California, and intends to remain therein. Plaintiff was subjected to mandatory evacuation orders
15 issued in connection with the hazardous chemical emergency at Defendants' GKN Aerospace
16 facility in Garden Grove, California. As a direct and proximate result of Defendants' acts and
17 omissions, Plaintiff suffered economic damages, evacuation-related expenses, loss of use and
18 enjoyment of property, inconvenience, disruption, and emotional distress.

19 7. Defendant Melrose Industries plc is, upon information and belief, a foreign public
20 limited company organized under the laws of the United Kingdom and is the parent company of
21 GKN Aerospace. Plaintiff is informed and believes that Melrose Industries plc conducts substantial
22 business operations in the United States and exercised control, directly or indirectly, over policies,
23 operations, safety procedures, maintenance practices, and hazardous-materials management
24 relating to the GKN Aerospace facility in Garden Grove, California.

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27 ² Saavedra, Tony. "Company at center of Garden Grove chemical threat paid nearly \$1
28 million to settle 2021 environmental violations" <https://www.ocregister.com/2026/05/23/gkn-aerospace-paid-nearly-1-million-to-settle-2021-environmental-violations/> (last accessed May 26, 2026).

1 8. Defendant GKN Aerospace Transparency Systems Inc. is, upon information and
2 belief, a corporation authorized to conduct business in the State of California and was responsible
3 for owning, operating, managing, maintaining, and/or supervising the GKN Aerospace facility
4 located in Garden Grove, California where the hazardous chemical incident occurred.

5 9. Defendant GKN Aerospace Services Limited is, upon information and belief, a
6 foreign private limited company organized under the laws of the United Kingdom that conducted
7 business related to the operations, management, engineering, maintenance, safety oversight, and/or
8 aerospace manufacturing activities at the Garden Grove facility.

9 10. Defendant GKN Limited is, upon information and belief, a foreign private limited
10 company organized under the laws of the United Kingdom and affiliated with the GKN Aerospace
11 enterprise responsible for the ownership, control, operation, maintenance, supervision, and/or
12 management of the Facility and its hazardous chemical systems.

13 11. The true names and capacities, whether individual, corporate, associate, or
14 otherwise, of Defendants sued herein as DOES 1 to 100, inclusive, are currently unknown to
15 Plaintiff, who therefore sues Defendants by such fictitious names under Code of Civil Procedure §
16 474. Plaintiff is informed and believes, and based thereon allege, that each of the Defendants
17 designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to
18 herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and
19 capacities of the Defendants designated hereinafter as DOES when such identities become known.

20 12. Plaintiff is informed and believes, and thereon alleges, that each Defendant acted in
21 all respects pertinent to this action as the agent, servant, employee, alter ego, joint venturer, partner,
22 subsidiary, parent, successor, and/or representative of each of the remaining Defendants and, in
23 doing the things alleged herein, acted within the course and scope of such relationship.

24 13. Plaintiff is informed and believes, and thereon allege, that each and every one of the
25 acts and omissions alleged herein were performed by, and/or attributable to, all Defendants, each
26 acting as agents and/or employees, and/or under the direction and control of, each of the other
27 Defendants, and that said acts and failures to act were within the course and scope of said agency,
28 employment and/or direction and control.

1 **VENUE AND JURISDICTION**

2 14. This Court has jurisdiction over this action under California Code of Civil Procedure
3 § 410.10. The aggregated amount of damages incurred by Plaintiff and the Class exceeds the
4 \$25,000 jurisdictional minimum of this Court. The amount in controversy as to the Plaintiff
5 individually and each individual class member does not exceed \$75,000, including interest and any
6 pro rata award of attorneys' fees, costs, and damages. Venue is proper in this Court under California
7 Code of Civil Procedure §§ 395(a) and 395.5 because Defendants do business in the State of
8 California and in the County of Orange, and because the harm alleged herein occurred in Orange
9 County.

10 **FACTUAL BACKGROUND**

11 15. At all times relevant herein, Defendants owned, operated, controlled, managed,
12 maintained, and/or supervised the GKN Aerospace manufacturing facility located at or near 12122
13 Western Avenue in Garden Grove, California ("Facility").

14 16. The Facility manufactures aerospace materials and components for commercial and
15 military aircraft, including cockpit windows, passenger windows, and military canopies, and stores
16 hazardous industrial chemicals on-site, including MMA.

17 17. On or about May 21, 2026, at approximately 3:40 p.m., the Orange County Fire
18 Authority ("OCFA") responded to a hazardous-materials emergency at the Facility after a 34,000-
19 gallon storage tank containing approximately 7,000 gallons of MMA began overheating and off-
20 gassing vapor.

21 18. MMA is a flammable, volatile chemical used in plastics and aerospace
22 manufacturing that is capable of undergoing exothermic polymerization reactions that generate heat,
23 increase pressure, and create substantial risks of fire, rupture, toxic release, and explosion.
24 Emergency responders determined that the overheating tank posed a substantial and imminent risk
25 of catastrophic failure, toxic chemical release, and a boiling liquid expanding vapor explosion
26 ("BLEVE"). Authorities publicly warned that the tank could either rupture and spill hazardous
27 MMA into the surrounding community, waterways, and storm-drain systems, or experience thermal
28 runaway resulting in a catastrophic explosion and widespread toxic-vapor release. Although

1 firefighters were able to cool the exterior of the tank through the use of unmanned water hose
2 systems, Defendants and response personnel were reportedly unable to chemically neutralize or
3 safely drain the tank because valves associated with the vessel had become “gummed up” and
4 inoperable during the chemical reaction occurring inside the tank. Within days of the incident, the
5 internal temperature of the tank reportedly exceeded 100 degrees Fahrenheit, further increasing
6 concerns regarding explosion risk and structural failure.

7 19. The seriousness of the emergency prompted a massive hazardous-materials response
8 involving firefighters, law-enforcement agencies, environmental-response teams, and emergency
9 management officials from throughout Orange County and beyond.

10 20. Due to the imminent risk of explosion and hazardous chemical release, mandatory
11 evacuation orders were issued affecting more than 50,000 residents within an approximately nine-
12 square-mile area, including portions of Garden Grove, Anaheim, Buena Park, Cypress, Stanton,
13 and Westminster. Local residents were alerted to the evacuation through emergency notifications,
14 law-enforcement communications, and helicopters equipped with public-address systems circling
15 neighborhoods and instructing residents to immediately evacuate the area.

16 21. Plaintiff Tammy Allen resides in Orange County, California, within the evacuation
17 area affected by the hazardous-materials emergency.

18 22. Plaintiff Tammy Allen and her boyfriend were forced to abruptly evacuate their
19 home with limited belongings due to the imminent threat posed by the overheating MMA tank and
20 potential explosion. Plaintiff initially secured emergency lodging at a Quality Inn in Huntington
21 Beach before later relocating to the Westin in Costa Mesa as the emergency situation and
22 evacuation orders continued.

23 23. As a direct result of Defendants’ acts and omissions, Plaintiff has incurred more than
24 \$1,500 in out-of-pocket expenses, including hotel costs, food expenses, transportation expenses,
25 replacement necessities, and other evacuation-related damages.

26 24. Plaintiff and similarly situated residents suffered displacement, inconvenience,
27 disruption to daily life, emotional distress, anxiety, uncertainty, and loss of use and enjoyment of
28 their homes and property as a result of the incident and mandatory evacuation orders.

1 25. Public records further demonstrate that Defendants and/or the Facility had
2 previously been cited for maintenance deficiencies, safety violations, environmental violations, and
3 operational compliance failures prior to the May 2026 incident. As early as 2018, inspections by
4 governmental agencies identified failures involving maintenance of active machinery, cooling and
5 covering of tanks, hazardous operational practices, and other safety deficiencies at the Facility. In
6 subsequent years, Defendants and/or the Facility were subject to additional citations, penalties,
7 notices of violation, and enforcement actions relating to environmental compliance, emissions
8 recordkeeping, equipment permitting, hazardous operations, and workplace safety.³

9 26. Despite years of prior warnings, inspections, fines, and known risks associated with
10 MMA storage and thermal runaway reactions, Defendants failed to implement adequate inspection
11 procedures, maintenance protocols, hazard-prevention systems, operational safeguards, emergency
12 mitigation measures, and safety controls necessary to prevent foreseeable catastrophic
13 consequences.

14 27. On or about May 23 and May 24, 2026, emergency responders discovered a crack
15 in the overheating tank during overnight operations conducted to assess the vessel's structural
16 integrity. Emergency officials later stated that the crack may have partially relieved excess pressure
17 inside the tank, thereby reducing the likelihood of a catastrophic BLEVE event. On or about May
18 25, 2026, authorities publicly announced that the immediate threat of a BLEVE had been eliminated,
19 though officials continued to warn that the possibility of a smaller explosion or hazardous chemical
20 leak remained. California Governor Gavin Newsom subsequently declared a state of emergency in
21 Orange County in response to the incident, and a federal emergency declaration was later issued
22 due to the scale and severity of the hazardous-materials emergency.⁴

23 28. Although emergency officials eventually stabilized the tank and reduced the
24 immediate explosion risk, Plaintiff and Class members continue to suffer economic losses,
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26 ³ *Id.*

27 ⁴ Turner, Austin; Julie Sharp; Matthew Rodriguez; Chelsea Hylton; Dean Fioresi.
28 "California Gov. Newsom declares state of emergency for Orange County chemical leak as
officials search for solutions" <https://www.cbsnews.com/losangeles/news/garden-grove-chemical-leak-plans-orange-county-california-evacuations/> (May 26, 2026).

1 evacuation-related damages, inconvenience, emotional distress, and other harm as a direct and
2 proximate result of Defendants' conduct.

3 **CLASS ACTION ALLEGATIONS**

4 29. Class Representative Plaintiff brings this action on her own behalf and on behalf of
5 all other persons similarly situated. The putative class that Class Representative Plaintiff seeks to
6 represent is composed of:

7 All persons who resided within, occupied property within, or were subjected to
8 mandatory evacuation orders issued in connection with the hazardous chemical
9 emergency at the Facility beginning on or about May 21, 2026, and who suffered
10 economic loss, evacuation-related expenses, loss of use and enjoyment of property,
11 inconvenience, emotional distress, and/or other damages as a result of the incident,
12 evacuation orders, threatened chemical release, explosion risk, or related hazardous
13 conditions (hereinafter the "Class").

14 30. Excluded from the Class are the natural persons who are directors, and officers, of
15 the Defendant, as well as judicial officers, their families, and their staff who are assigned to this
16 action.

17 31. Plaintiff is informed and believe that the members of the Class are so numerous that
18 joinder of all members is impracticable. While the exact number of the Class members is unknown
19 to Class Representative Plaintiff at this time, such information can be ascertained through
20 appropriate discovery, from records maintained by Defendant.

21 32. There is a well-defined community of interest among the members of the Class
22 because common questions of law and fact predominate, Class Representative Plaintiff's claims
23 are typical of the members of the class, and Class Representative Plaintiff can fairly and adequately
24 represent the interests of the Class.

25 33. Common questions of law and fact exist as to all members of the Class and
26 predominate over any questions affecting solely individual members of the Class.

27 34. Class Representative Plaintiff will fairly and adequately protect the interests of the
28 Class. Moreover, Class Representative Plaintiff has no interest that is contrary to or in conflict with

1 those of the Class they seek to represent during the Class Period. In addition, Class Representative
2 Plaintiff has retained competent counsel experienced in class action litigation to further ensure such
3 protection and intend to prosecute this action vigorously.

4 35. The prosecution of separate actions by individual members of the Class would create
5 a risk of inconsistent or varying adjudications with respect to individual members of the Class,
6 which would establish incompatible standards of conduct for the Defendant in the State of
7 California and would lead to repetitious trials of the numerous common questions of fact and law
8 in the State of California. Class Representative Plaintiff knows of no difficulty that will be
9 encountered in the management of this litigation that would preclude its maintenance as a class
10 action. As a result, a class action is superior to other available methods for the fair and efficient
11 adjudication of this controversy.

12 36. Proper and sufficient notice of this action may be provided to the Class members
13 through direct mail a variety of means, including direct mail, as well as electronic means such as
14 email, or whatever the Court deems appropriate.

15 37. Moreover, the Class members' individual damages are insufficient to justify the cost
16 of litigation, so that in the absence of class treatment, Defendant's violations of law inflicting
17 substantial damages in the aggregate would go unremedied without certification of the Class.
18 Absent certification of this action as a class action, Class Representative Plaintiff and the members
19 of the Class will continue to be damaged by the practices of Defendant.

20 **CAUSES OF ACTION**

21 **FIRST CAUSE OF ACTION**

22 **Negligence**

23 38. The allegations of the preceding paragraphs are incorporated by reference as if fully
24 set forth herein.

25 39. Plaintiff is informed and believes, and thereon alleges, that at all relevant times
26 Defendants owned, operated, controlled, managed, supervised, inspected, maintained, and/or were
27 otherwise responsible for the Facility, including the hazardous chemical storage systems and MMA
28 tanks involved in the incident alleged herein.

1 40. At all relevant times, Defendants owed Plaintiff and Class members a duty to
2 exercise reasonable care, diligence, and prudence in the ownership, operation, supervision,
3 inspection, maintenance, repair, monitoring, and control of the Facility and its hazardous chemical
4 systems so as to avoid causing injury, harm, evacuation, disruption, environmental contamination,
5 explosion risk, and interference with the use and enjoyment of surrounding homes, businesses, and
6 property.

7 41. At all relevant times, Defendants further owed duties to safely store, handle, monitor,
8 cool, maintain, inspect, and manage hazardous chemicals, including MMA, in a manner that would
9 prevent thermal runaway reactions, off-gassing, toxic vapor release, fire, rupture, and explosion.

10 42. Defendants breached their duties of care by negligently, recklessly, and carelessly
11 owning, operating, maintaining, inspecting, supervising, repairing, and controlling the Facility and
12 its hazardous chemical systems, including but not limited to:

- 13 a. Failing to properly inspect and maintain hazardous chemical storage tanks and associated
14 equipment;
 - 15 b. Failing to implement adequate safety systems, emergency safeguards, and hazard-
16 prevention protocols;
 - 17 c. Failing to properly monitor and control chemical temperatures, pressures, and reactions
18 involving MMA;
 - 19 d. Failing to maintain operable valves, cooling systems, and emergency mitigation equipment;
 - 20 e. Failing to adequately train and supervise personnel responsible for hazardous-materials
21 operations;
 - 22 f. Failing to implement reasonable maintenance and inspection procedures despite known
23 risks associated with MMA storage and thermal runaway reactions;
 - 24 g. Failing to correct known safety, maintenance, environmental, and operational deficiencies
25 identified through prior inspections, citations, fines, and regulatory enforcement actions;
26 and
 - 27 h. Otherwise failing to exercise reasonable care under the circumstances.
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1 43. As a direct and proximate result of Defendants' negligence, a hazardous-materials
2 emergency occurred at the Facility on or about May 21, 2026, when an MMA storage tank began
3 overheating and off-gassing vapor, creating an imminent risk of catastrophic failure, toxic release,
4 and explosion.

5 44. As a direct and legal result of Defendants' acts and omissions, mandatory evacuation
6 orders were issued affecting more than 50,000 residents throughout portions of Orange County,
7 including Plaintiff and Class members.

8 45. As a direct and proximate result of Defendants' negligence, Plaintiff and Class
9 members suffered damages including, but not limited to, evacuation-related expenses, hotel and
10 lodging expenses, food expenses, transportation expenses, replacement necessities, loss of use and
11 enjoyment of property, displacement, inconvenience, emotional distress, anxiety, disruption to
12 daily life, and other economic and non-economic damages according to proof.

13 46. Plaintiff Tammy Allen specifically incurred substantial out-of-pocket expenses after
14 being forced to evacuate her residence on short notice, including costs associated with emergency
15 lodging at a Quality Inn in Huntington Beach and later at the Westin in Costa Mesa.

16 47. As a further direct and proximate result of Defendants' conduct, Plaintiff and Class
17 members were deprived of the safe, comfortable, and uninterrupted use and enjoyment of their
18 homes and communities during the evacuation emergency and ongoing hazardous conditions.

19 48. Plaintiff is informed and believes, and thereon alleges, that Defendants were aware
20 for years prior to the incident of ongoing safety deficiencies, maintenance failures, hazardous
21 operational risks, and regulatory compliance issues at the Facility, yet failed to take adequate
22 corrective action to prevent foreseeable catastrophic consequences. The acts and omissions of
23 Defendants were carried out with conscious disregard for the safety, health, and welfare of
24 surrounding residents and communities, thereby entitling Plaintiff and Class members to punitive
25 and exemplary damages in an amount according to proof.

26 49. As a direct and legal result of Defendants' wrongful conduct, Plaintiff and Class
27 members suffered damages in amounts to be proven at trial and exceeding the jurisdictional
28 minimum of this Court.

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59. By reason of Defendants' negligent, reckless, and improper operation, maintenance, management, supervision, inspection, and control of hazardous chemical storage systems at the Facility, Defendants created and maintained dangerous conditions that interfered with Plaintiff's free use and enjoyment of her home and property.

60. Plaintiff was forced to abruptly evacuate her residence and seek temporary lodging at a Quality Inn in Huntington Beach and later at the Westin in Costa Mesa because of the hazardous conditions created by Defendants.

61. An ordinary person of reasonable sensibilities would reasonably be annoyed and/or disturbed by the conditions created by Defendants.

62. Plaintiff did not consent to the Defendants' conduct. To the extent Plaintiff gave any express or implied permission for the the operation of an aerospace manufacturing facility near her property, such permission extended only to a safely maintained, properly operated, adequately inspected, and responsibly managed in compliance with applicable safety and environmental standards.

63. The aforementioned conduct of Defendant constitutes a nuisance within the meaning of section 3479 of the Civil Code in that it is injurious and/or offensive to the sense of the Plaintiff and/or the unreasonably interferes with the conformable enjoyment of its property and/or unlawfully obstructs the free use, in the customary manner, of Plaintiff's property.

64. The seriousness of the injuries to Plaintiff outweighs the social utility of Defendants' conduct, as Defendants could have taken steps to prevent the harm while still operating an aerospace manufacturing facility.

65. The nuisance created by Defendants was continuing in nature because the hazardous conditions, evacuation orders, disruption, uncertainty, and ongoing risk of explosion and chemical release persisted for days during the emergency response and continued to interfere with Plaintiff's use and enjoyment of her home and property.

66. As a direct and legal cause of the wrongful acts herein set forth, Plaintiffs suffered damages as described above in the preceding paragraphs.

FOURTH CAUSE OF ACTION

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68. At all relevant times, Plaintiff owned, leased, occupied, resided in, and/or controlled property at or near the Facility.

70. An ordinary person of reasonable sensibilities would reasonably be annoyed, alarmed, and/or disturbed by the conditions created by Defendants.

71. Plaintiff did not consent to the Defendants' conduct, which was a substantial factor in causing Plaintiff's harm.

72. The seriousness of the harm to Plaintiff outweighs the public benefit of Defendants' conduct.

73. As a direct and legal cause of the wrongful acts herein set forth, Plaintiffs suffered damages as described above in the preceding paragraphs.

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74. Plaintiff incorporates and re-alleges, as though fully set forth above, each of the preceding paragraphs.

75. By reason of Defendants' negligent, reckless, and improper ownership, operation, management, maintenance, inspection, supervision, and control of hazardous chemical systems at the Facility, created a condition that harmed the public and interfered with the public's free use and enjoyment of public land, as Plaintiff, along with numerous residents and surrounding neighbors, have suffered the harm, including but not limited to loss of the use and and enjoyment of property,

1 stigma associated with proximity to the hazardous chemical incident, fear of future releases or
2 explosions, disruption to residential security and comfort, diminution in property value, and other
3 damages according to proof.

4 76. An ordinary person of reasonable sensibilities would reasonably be annoyed,
5 alarmed, and/or disturbed by the conditions created by Defendants.

6 77. The conditions affected a substantial number of people at the same time.

7 78. The seriousness of the harm outweighs the social utility of Defendants' conduct.

8 79. Plaintiffs did not consent to Defendants' conduct.

9 80. As a direct and legal cause of the wrongful acts herein set forth, Plaintiffs suffered
10 damages as described above in the preceding paragraphs.

11 **SIXTH CAUSE OF ACTION**

12 **Public Nuisance – Permanent**

13 81. Plaintiff incorporates and re-alleges, as though fully set forth above, each of the
14 preceding paragraphs.

15 82. By reason of Defendants' negligent, reckless, and improper ownership, operation,
16 management, maintenance, inspection, supervision, and control of hazardous chemical systems at
17 the Facility, created a condition that permanently harmed the public and interfered with the public's
18 free use and enjoyment of public land, as Plaintiff, along with numerous residents and surrounding
19 neighbors, have suffered the harm, including but not limited to loss of the use and and enjoyment
20 of property, stigma associated with proximity to the hazardous chemical incident, fear of future
21 releases or explosions, disruption to residential security and comfort, diminution in property value,
22 and other damages according to proof.

23 83. An ordinary person of reasonable sensibilities would reasonably be annoyed,
24 alarmed, and/or disturbed by the conditions created by Defendants.

25 84. The conditions affected a substantial number of people at the same time.

26 85. The seriousness of the harm outweighs the social utility of Defendants' conduct.

27 86. Plaintiffs did not consent to Defendants' conduct.
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1 87. As a direct and legal cause of the wrongful acts herein set forth, Plaintiffs suffered
2 damages as described above in the preceding paragraphs.

3 **SEVENTH CAUSE OF ACTION**

4 **Trespass**

5 88. Plaintiff incorporates and re-alleges, as though fully set forth above, each of the
6 preceding paragraphs.

7 89. Defendants were engaged in an ultrahazardous and abnormally dangerous activities
8 involving the storage, handling, maintenance, and management of large quantities of MMA and
9 other hazardous industrial chemicals at the Facility and/or intentionally, recklessly, and/or
10 negligently caused hazardous chemical vapors, toxic off-gassing emissions, dangerous explosion
11 conditions, emergency evacuation conditions, and related hazardous substances and conditions to
12 impact Plaintiff's property.

13 90. Plaintiff did not give permission for this direct and/or indirect creation of hazardous
14 conditions.

15 91. Plaintiff, along with numerous residents and surrounding neighbors, have been
16 harmed by Defendants' conduct, as Plaintiff has suffered the harm, including but not limited to loss
17 of the use and and enjoyment of property, stigma associated with proximity to the hazardous
18 chemical incident, fear of future releases or explosions, disruption to residential security and
19 comfort, diminution in property value, and other damages according to proof.

20 92. An ordinary person of reasonable sensibilities would reasonably be annoyed,
21 alarmed, and/or disturbed by the conditions created by Defendants.

22 93. As a direct and legal cause of the wrongful acts herein set forth, Plaintiff suffered
23 damages as described above in the preceding paragraphs.

24 **DAMAGES AND OTHER RELIEF**

25 94. In addition to the relief requested herein and in the Prayer for Relief below, Plaintiff
26 alleges that as a direct and proximate result of the unlawful actions of Defendants, Plaintiff and
27 Class Members have suffered, and continue to suffer, from injuries to themselves and/or to personal
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1 property in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of
2 this Court.

3 95. Plaintiff and the Class Members seek injunctive relief and equitable relief regarding
4 Defendants' past and ongoing unlawful conduct as more particularly alleged herein which includes
5 the activities and/or inaction which give rise to the causes of action for nuisance and trespass. The
6 injunctive and equitable relief includes abatement of Defendant's unlawful activities and such
7 actions and inactions which give rise to the claims alleged herein and the risk posed to the Plaintiff
8 and the Class Members, as well as the public.

9 96. Plaintiff and the Class Members also seek injunctive or other equitable relief to
10 include abatement and/or monitoring necessary and appropriate as a result of Defendant's actions
11 and inactions as more particularly alleged herein.

12 97. As a direct and proximate result of the unlawful actions of Defendant, and
13 specifically due to Plaintiff and Class Members' significant and extensive exposure to hazardous
14 MMA vapors, toxic off-gassing emissions, and dangerous chemical conditions, it is reasonably
15 certain that Plaintiff and Class Members suffer a significantly increased risk of of adverse health
16 consequences or other latent harms relative to their risk had Plaintiff and Class Members not been
17 exposed to these toxic chemicals. MMA is a hazardous and volatile chemical known to cause
18 irritation to the eyes, skin, and respiratory system upon exposure and the diseases that may result
19 from the exposure, are serious and there is a medical benefit from early detection and diagnosis.

20 98. This increased risk makes periodic diagnostic medical examinations reasonably
21 necessary and certain. Monitoring and testing procedures exist which make the early detection and
22 treatment of injuries or disease possible and beneficial. Such monitoring and testing procedures are
23 reasonable, entitling Plaintiff and Class Members to damages and injunctive relief, including the
24 reasonable costs for future medical monitoring in amounts as yet unascertained, but subject to proof
25 at trial, and within the jurisdiction of this Court.

26 99. The increased susceptibility to injuries and irreparable threat to the Plaintiff and
27 Class Members' health resulting from their exposure to one or more hazardous substances can only
28 be mitigated or addressed by the creation of a medical monitoring fund to provide for a medical

1 monitoring program, including: (a) Notifying all persons who have been exposed of the potential
2 harm from the exposure; (b) Gathering and forwarding to treating physicians and other appropriate
3 medical and health professionals information related to the identification, diagnosis and treatment
4 of injuries which may result from exposure(s); and (c) Aiding in the early diagnosis and treatment
5 of resulting injuries through ongoing testing and monitoring of exposed persons including Plaintiff
6 and Class Members.

7 100. Plaintiff and Class Members have no adequate remedy at law in that monetary
8 damages alone do not compensate for the continuing nature of the harm to them, and a monitoring
9 program which notifies them of possible injury and aids in their treatment can prevent the greater
10 harms which may not occur immediately and which may be preventable if proper research is
11 conducted and the health risks are diagnosed and treated before they occur or become worse.

12 101. Without a court-approved medical monitoring program, Plaintiff and Class
13 Members might not receive prompt medical care which could detect and prolong their productive
14 lives, increase prospects for improvement and minimize disability.

15 **DEMAND FOR JURY TRIAL**

16 102. Plaintiff and the Class hereby demand trial by jury.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff and the Class pray for judgment against Defendants as follows:

- 19 1. For compensatory damages, including but not limited to damages, costs and expenses
20 in connection with any future medical testing, monitoring, or diagnosis of Plaintiff's
21 and Class Members related to their exposure to toxic chemicals, in an amount to be
22 ascertained at trial;
- 23 2. For equitable relief including injunctive relief which includes abatement of Defendants'
24 conduct giving rise to the claims alleged herein, including inspection and maintenance
25 protocols, emergency mitigation systems, chemical-storage safeguards, environmental
26 testing and monitoring, community notification procedures, and such other remedial
27 measures as necessary to protect Plaintiff and Class Members;
- 28 3. For Defendants' wrongful use of the properties including by trespass, the greater of the

- 1 reasonable rental value of the properties or the benefits obtained by the Defendants
2 wrongfully occupying the properties by reason of the wrongful occupations;
- 3 4. For economic damages due to emergency response and permitting costs according to
4 proof;
- 5 5. For past and future damages related to environmental remediation and incidental costs
6 according to proof;
- 7 6. For diminution in property value according to proof;
- 8 7. For damages related to harm to public health, obstruction of the free passage and use of
9 property of public property, and/or the interference with the comfortable enjoyment of
10 life or property according to proof;
- 11 8. For pre- and post-judgment interest on all damages as allowed by the law;
- 12 9. For attorneys and expert /consultant fees under existing law;
- 13 10. For punitive damages in an amount according to proof or taking some measure to ensure
14 that an example is made of DEFENDANTS to deter similar future conduct;
- 15 11. For injunctive relief;
- 16 12. For costs of suit incurred herein; and
- 17 13. For such other and future relief as the Court may deem just and proper.

18 Dated: May 26, 2026

POTTER HANDY LLP

21 By: 

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23 Mark Potter, Esq.
24 James M. Treglio, Esq.
25 Isabel Rose Masanque, Esq.
26 Attorneys for Plaintiff
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